

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
8

9
10 KATIE S.,¹

11 Plaintiff,

12 v.

13 MARTIN O'MALLEY, Commissioner of
14 Social Security,²

15 Defendant.
16

Case No. EDCV 23-0554-KK (JPR)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE**

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint, the
18 relevant records on file, and the Report and Recommendation of the United States
19 Magistrate Judge ("Report").

20 The Court has engaged in de novo review of those portions of the Report to
21 which Plaintiff has objected. First, while Plaintiff contends the Magistrate Judge
22 "does not properly apply the harmless error rule," dkt. 22 at 3, the Magistrate Judge
23 concluded the Administrative Law Judge did not err in rejecting Plaintiff's subjective
24 complaints and, therefore, did not reach the issue of whether any error was harmless,
25

26 ¹ Partially redacted in compliance with Federal Rule of Civil Procedure
27 5.2(c)(2)(B) and the recommendation of the Committee on Court Administration and
Case Management of the Judicial Conference of the United States.

28 ² Martin O'Malley, Commissioner of Social Security, is substituted as the
Defendant pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 see dkt. 21 at 23-38. Second, although Plaintiff argues the Magistrate Judge
2 “cit[es] . . . supporting evidence not relied on by the ALJ,” dkt. 22 at 7, the Magistrate
3 Judge did not consider any reasons for rejecting Plaintiff’s subjective complaints that
4 were not provided by the Administrative Law Judge, see dkt. 21 at 23-38. Plaintiff’s
5 remaining objections are without merit. Accordingly, the Court accepts the findings
6 and recommendation of the Magistrate Judge.

7 IT IS THEREFORE ORDERED:

- 8 1. Plaintiff’s Motion for Summary Judgment is DENIED.
9 2. The Commissioner’s request for an order affirming his final decision is
10 GRANTED.
11 3. Judgment be entered consistent with this Order.
12 4. The clerk serve this Order and the Judgment on all counsel or parties of
13 record.

14
15 Dated: May 31, 2024



16
17 HONORABLE KENLY KIYA KATO
United States District Judge